

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2501

Introduced by Assembly Member Garrick

February 24, 2012

~~An act to amend Section 6253 of the Government Code, relating to public records. An act to add Section 11151.1 to the Government Code, relating to state government.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2501, as amended, Garrick. ~~Public records: inspection. State government.~~

Existing law requires each department to maintain an office and the director of each department who is a member of the Governor's council to reside in Sacramento.

This bill would require, on or before January 1, 2025, every state agency, as defined, to have its primary administrative office located within the Sacramento metropolitan area, and the Supreme Court to only hear cases in the Sacramento metropolitan area. This bill would also require the Director of General Services, on or before December 31, 2015, to coordinate with the heads of every state agency to establish a plan to relocate facilities to the Sacramento metropolitan area.

~~The California Public Records Act requires public agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) To the extent practicable, state agencies, departments,*
4 *offices, divisions, bureaus, boards, and commissions are units of*
5 *state government that should be located in the Sacramento*
6 *metropolitan area.*

7 *(b) Certain state entities maintain extensive facilities in areas*
8 *of the state that necessitate excessive expenditures of taxpayer*
9 *funds to operate.*

10 *(c) Administrative and executive facilities of state entities housed*
11 *outside the Sacramento metropolitan area, where the costs to*
12 *operate exceed the costs of operating within the Sacramento*
13 *metropolitan area, should be relocated to Sacramento to take*
14 *advantage of the cost savings.*

15 *SEC. 2. Section 11151.1 is added to the Government Code, to*
16 *read:*

17 *11151.1. (a) On or before January 1, 2025, every state agency*
18 *shall have its primary administrative office located within the*
19 *Sacramento metropolitan area. A state agency that requires direct*
20 *public interaction to facilitate its function may maintain local or*
21 *regional offices for that purpose.*

22 *(b) On or before January 1, 2025, the Supreme Court shall only*
23 *hear cases in the Sacramento metropolitan area.*

24 *(c) On or before December 31, 2015, the Director of General*
25 *Services shall coordinate with the heads of every state agency to*
26 *establish a plan to relocate facilities to the Sacramento*
27 *metropolitan area.*

28 *(d) For purposes of this section, the following definitions shall*
29 *apply:*

30 *(1) "Sacramento metropolitan area" means the greater*
31 *metropolitan Sacramento area, including the City of Sacramento,*
32 *the County of Sacramento, and the eastern part of Yolo County.*

33 *(2) "State agency" includes every state agency, department,*
34 *office, division, bureau, board, commission, or state entity under*
35 *the direction of a constitutional officer.*

36 ~~*SECTION 1. Section 6253 of the Government Code is amended*~~
37 ~~*to read:*~~

1 ~~6253. (a) Public records are open to inspection at all times~~
2 ~~during the office hours of the state or local agency and every person~~
3 ~~has the right to inspect any public record, except as hereafter~~
4 ~~provided. Any reasonably segregable portion of a record shall be~~
5 ~~available for inspection by any person requesting the record after~~
6 ~~deletion of the portions that are exempted by law.~~

7 ~~(b) Except with respect to public records exempt from disclosure~~
8 ~~by express provisions of law, each state or local agency, upon a~~
9 ~~request for a copy of records that reasonably describes an~~
10 ~~identifiable record or records, shall make the records promptly~~
11 ~~available to any person upon payment of fees covering direct costs~~
12 ~~of duplication, or a statutory fee if applicable. Upon request, an~~
13 ~~exact copy shall be provided unless impracticable to do so.~~

14 ~~(c) Each agency, upon a request for a copy of records, shall,~~
15 ~~within 10 days from receipt of the request, determine whether the~~
16 ~~request, in whole or in part, seeks copies of disclosable public~~
17 ~~records in the possession of the agency and shall promptly notify~~
18 ~~the person making the request of the determination and the reasons~~
19 ~~therefor. In unusual circumstances, the time limit prescribed in~~
20 ~~this section may be extended by written notice by the head of the~~
21 ~~agency or his or her designee to the person making the request,~~
22 ~~setting forth the reasons for the extension and the date on which~~
23 ~~a determination is expected to be dispatched. No notice shall~~
24 ~~specify a date that would result in an extension for more than 14~~
25 ~~days. When the agency dispatches the determination, and if the~~
26 ~~agency determines that the request seeks disclosable public records,~~
27 ~~the agency shall state the estimated date and time when the records~~
28 ~~will be made available. As used in this section, "unusual~~
29 ~~circumstances" means the following, but only to the extent~~
30 ~~reasonably necessary to the proper processing of the particular~~
31 ~~request:~~

32 ~~(1) The need to search for and collect the requested records~~
33 ~~from field facilities or other establishments that are separate from~~
34 ~~the office processing the request.~~

35 ~~(2) The need to search for, collect, and appropriately examine~~
36 ~~a voluminous amount of separate and distinct records that are~~
37 ~~demanding in a single request.~~

38 ~~(3) The need for consultation, which shall be conducted with~~
39 ~~all practicable speed, with another agency having substantial~~
40 ~~interest in the determination of the request or among two or more~~

1 components of the agency having substantial subject matter interest
2 therein.

3 ~~(4) The need to compile data, to write programming language~~
4 ~~or a computer program, or to construct a computer report to extract~~
5 ~~data.~~

6 ~~(d) Nothing in this chapter shall be construed to permit an~~
7 ~~agency to delay or obstruct the inspection or copying of public~~
8 ~~records. The notification of denial of any request for records~~
9 ~~required by Section 6255 shall set forth the names and titles or~~
10 ~~positions of each person responsible for the denial.~~

11 ~~(e) Except as otherwise prohibited by law, a state or local agency~~
12 ~~may adopt requirements for itself that allow for faster, more~~
13 ~~efficient, or greater access to records than prescribed by the~~
14 ~~minimum standards set forth in this chapter.~~